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10/560,038	12/08/2005	Vittorio Quaggiotti	A-9798	8329

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EXAMINER
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COOLMAN, VAUGHN

ART UNIT	PAPER NUMBER
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3618

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,038	<b>Applicant(s)</b> QUAGGIOTTI, VITTORIO	
	<b>Examiner</b> VAUGHN T. COOLMAN	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 9, 10 and 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Boehm et al (U.S. Patent No. 5,704,628).**

[**claim 19**] Boehm discloses a downhill ski comprising a tail region, central region, a shovel region, a tip having a curvature, and a longitudinal axis extending from the tail region to the tip, a binding having a front jaw (3), a superstructure connected to the central region, the superstructure having a base member (item under the front jaw of the binding) and a front prolongation (7), the end of the front prolongation exerting a downward thrust action between the front jaw of the binding and where the tip curvature commences (FIGS 6 and 7), a bracket (9) extending from the shovel region, the bracket having a horizontal slot (13), an end (14) of the front prolongation connected to the bracket, the front prolongation movable along the slot (FIGS 13-18).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-5, 7, 18, and are rejected under 35 U.S.C. 103(a) as being unpatentable over le Masson et al (U.S. Patent No. 5,447,322).**

**[claim 18]** Le Masson discloses a downhill ski comprising a tail region, central region, a shovel region, a tip having a curvature, and a longitudinal axis extending from the tail region to the tip (see FIGS 1 and 8-10), a binding having a front jaw (see FIGS 18-22), a superstructure (2) connected to the central region, the superstructure having a base member (34) and a front prolongation, the end of the front prolongation exerting a downward thrust action between the front jaw of the binding and where the tip curvature commences.

Le Masson fails to explicitly disclose the connection of the end of the front prolongation to said ski acting as a bilateral support and a hinge, however, he does state that the stiffener (2) is connected to the base (ski) “such that the connection between the two elements is flexible and/or partially rigid”(column 5, lines 36-39). He also describes a variation in FIG 15 wherein the central area of the stiffener is rigidly attached to the ski and the ends (front prolongation) are free (column 6, lines 22-27). Then in FIGS 42c and 42d, he shows the front prolongation fixed in a bilateral manner (vertical and horizontal), but allowing longitudinal movement. He also shows this type of connection in FIGS 21 and 22 with respect to the central portion of the superstructure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection shown in FIG 42 with the connection mechanism of FIG 22 in order to provide the advantage of more flexibility of the ski with respect to the superstructure. The modification is a simple substitution of parts that would act in a predictable manner when substituted. The connection would then act as a bilateral support and a hinge

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having a horizontal axis transverse to the longitudinal axis, the hinge inhibiting vertical movement of the front prolongation relative the central region, allowing rotation about said transverse-horizontal axis and sliding of the front prolongation in a longitudinal direction.

**[claim 2]** Le Masson further shows the superstructure acting on a point substantially at the center of the portion between the front jaw of the binding and the section where the tip curvature commences.

**[claim 3]** Le Masson further shows the superstructure acting on a point situated in the rear half (column 4, lines 43-51) of the portion between the front jaw of the binding and the section where the tip curvature commences.

**[claim 4]** Le Masson further shows the base member being split into two half-member (FIG 32).

**[claim 5]** Le Masson further shows the front prolongation and the front portion of the base member forming a monolithic entity ( FIG 18).

**[claim 7]** Le Masson further shows the connection being a hinge slotted in a horizontal plane.

**Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over le Masson et al in view of Boehm et al.**

**[claim 9]** Le Masson discloses all of the elements of the claimed invention as described above except for a hinge and retro-prolongation. Boehm teaches in FIG 10 a base member of a superstructure being provided with a retro-prolongation (7) which extends from a hinge (8) and acts as a reacting element on the ski by means of a counteracting element (9 – FIG 15). It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ski shown by la Masson by adding the hinge to the superstructure in order to provide the advantage of increased overall flexibility at the binding. The addition of the retro-prolongation and counteracting element would yield predictable results, as le Masson obviously contemplated reacting elements located in the central portion of the ski.

**[claim 10]** Boehm further shows a second counteracting element (17, 18, or 19).

**Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over le Masson et al in view of Boehm et al and further in view of Howe (U.S. Patent No. 5,820,154).**

**[claims 14 and 16]** The combination of Le Masson and Boehm discloses all of the elements of the claimed invention as described above except for the counteracting element being of adjustable feed. Howe teaches counteracting elements for a superstructure having a front prolongation wherein the counteracting element (12) is of an adjustable feed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of le Masson and Boehm with the adjustability as taught by Howe in order to provide the advantage of finer tuning of the flexibility and reactive characteristics of the ski.

**[claims 15 and 17]** Boehm further shows the counteracting element (17, 18, or 19) having a substantially elastic insert being associated therewith (counteracting element is an elastic insert).

**Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm et al.**

[claim 20] Boehm discloses all of the elements of the claimed invention as described above including the front prolongation being connected at its rear to the front portion of the base member by a hinge (8), but he does not explicitly disclose the front prolongation being provided with a retro-prolongation which extends from said hinge. However Boehm does show in FIG 10 the base member being provided with a retro-prolongation (7) which extends from a hinge (8) and acts as a reacting element on the ski by means of a counteracting element (9 – FIG 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ski shown by Boehm by adding the retro-prolongation to the superstructure in order to provide the advantage of distributing the weight of the superstructure more evenly along the ski. The addition of the retro-prolongation and counteracting element is a simple duplication of parts that would yield predictable results.

[claim 21] Boehm further shows the counteracting element (9) having a substantially elastic insert (17).

***Allowable Subject Matter***

Claims 6, 8, and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul N. Dickson/  
Supervisory Patent Examiner, Art Unit 3600

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Examiner  
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